

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: UNITED STATES OF AMERICA, : 16-CR-436 (KMW)
: :
: June 28, 2016
v. :
: 500 Pearl Street
STEVEN BROWN, : New York, New York
: :
Defendant. :
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PRESENTMENT/ARRAIGNMENT
BEFORE THE HONORABLE JAMES L. COTT
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: UNITED STATES ATTORNEY
BY: PATRICK EGAN, ESQ.
ASSISTANT U.S. ATTORNEY

For the Defendant: WALTER MACK, ESQ.
Doar Rieck Kaley & Mack
217 Broadway, Suite 707
New York, New York 10007

Court Transcriber: SHARI RIEMER, CET-805
TypeWrite Word Processing Service
211 N. Milton Road
Saratoga Springs, New York 12866

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1 THE CLERK: United States of America v. Steven Brown.

2 Will the parties please state your name for the
3 record?

4 MR. EGAN: Patrick Egan for the Government. Good
5 evening, Your Honor.

6 THE COURT: Good evening, Mr. Egan.

7 MR. MACK: Walter Mack for Steven Brown.

8 THE COURT: Good evening, Mr. Mack. And good
9 evening, Mr. Brown. Everyone may be seated.

10 Are we here for presentment and arraignment in this
11 case?

12 MR. EGAN: That's correct, Your Honor.

13 THE COURT: Who's the district judge in this case?

14 MR. EGAN: Judge Wood.

15 THE COURT: Judge Wood. Okay.

16 When was Mr. Brown arrested?

17 MR. EGAN: He surrendered at 26 Federal Plaza today
18 at 1:57 p.m.

19 THE COURT: Mr. Brown, let me begin by informing you
20 of certain rights that you have. First of all, you have the
21 right to remain silent. Anything that you say can be used
22 against you. If you've made any statements to the authorities
23 in the past you still have the right to remain silent going
24 forward.

25 You also have the right to be represented by an

1 attorney at all proceedings and if you cannot afford an
2 attorney you have the right to request that the court appoint
3 an attorney for you. I understand Mr. Mack, however, is
4 retained counsel. Is that correct?

5 THE DEFENDANT: That is correct, Your Honor.

6 THE COURT: Very well. I have a copy of the
7 indictment in this case.

8 [Pause in proceedings.]

9 THE COURT: It charges the defendant in Count 1 with
10 a conspiracy to commit wire fraud. I'm just looking, Mr.
11 Egan. Are there other counts? Yes. There's a wire fraud
12 count, Count 2, and a conspiracy to commit money laundering in
13 Count 3. I knew I had seen that earlier. A three count
14 indictment ultimately.

15 Mr. Mack, have you seen the indictment and had an
16 opportunity to review it with Mr. Brown?

17 MR. MACK: I have, Your Honor.

18 THE COURT: Do you waive its public reading?

19 MR. MACK: I certainly do.

20 THE COURT: Does your client wish to enter a plea at
21 this time?

22 MR. MACK: He wishes to enter a plea of not guilty.

23 THE COURT: All right. A not guilty plea will be
24 entered at this time.

25 What is the Government's position with respect to

1 bail in this case?

2 MR. EGAN: Your Honor, I think we have an agreement
3 mostly except with respect to one condition as I understand
4 it.

5 THE COURT: Okay.

6 MR. EGAN: The Government is proposing a package
7 mostly consistent with that proposed by Pretrial. The
8 Government would recommend that he be released on a \$200,000
9 personal recognizance bond co-signed by two financially
10 responsible parties. Pretrial supervision as directed. That
11 he maintain the residence at 2002 Fourth Street in Santa
12 Monica, that he surrender all travel documents with no new
13 applications.

14 After discussions with defense counsel the
15 Government has agreed not to require that the bond be secured.

16 The part where we have a disagreement is that the
17 Government is seeking a condition that travel be restricted to
18 the Southern and Eastern Districts of New York and the Central
19 District of California. It's my understanding that defense
20 counsel would like to be heard as to that condition. I think
21 with respect to the other conditions we're in agreement.

22 THE COURT: All right. Mr. Mack.

23 MR. MACK: Your Honor, I do want to be heard on that.
24 First of all, Mr. Brown's livelihood is entirely based upon
25 his frequent travel to Europe.

1 THE COURT: To Europe?

2 MR. MACK: To Europe and he has recently [inaudible]
3 investigation -- excuse me, as the Pretrial Services officer
4 says that he's been in Germany. He's in the film business.
5 He makes films. He has appointments or at least weddings
6 for -- that he is traveling to attend, at least expected to in
7 July and September.

8 THE COURT: How often is this foreign travel
9 anticipated, on a monthly basis, bimonthly basis, four times a
10 year basis?

11 THE DEFENDANT: [Inaudible]

12 THE COURT: Just talk to Mr. Mack. He'll tell me.

13 [Pause in proceedings.]

14 MR. MACK: So it's about once a month. He knows well
15 in advance.

16 THE COURT: Why wouldn't the right thing to be a
17 condition in which his travel is restricted as discussed.
18 However, when foreign travel is necessitated given that he's
19 going to know in advance then he can seek permission of the
20 Pretrial Services officer who's supervising him?

21 MR. MACK: I have no objection to that, Your Honor.

22 THE COURT: Do you have an objection to that, Mr.
23 Egan?

24 MR. EGAN: No. He can -- I don't anticipate that we
25 will consent to that but it's certainly fine if he wants to --

1 if we --

2 THE COURT: Then that -- I mean tell me what -- Mr.
3 Mack, why don't you sit down for a minute.

4 Tell me, Mr. Egan, what your concern is. I mean if
5 the Pretrial Services officer is otherwise supervising Mr.
6 Brown and he's otherwise in compliance with all of the
7 conditions that have been set, what is the Government's
8 concern about this travel?

9 MR. EGAN: The concern about the travel is obviously
10 any -- if he is abroad and decides to remain abroad that
11 obviously it significantly complicates our ability to seek his
12 return or get his return. It just makes that avenue of non
13 appearance that much more available. I'm not saying that we
14 won't.

15 All I'm saying is that if he over the course of time
16 on Pretrial builds up a sufficient degree or track record
17 there that Pretrial is saying to us we really think he can be
18 trusted I'm not saying the Government would never or under no
19 circumstances. I just don't want to represent as part of our
20 conditions that we are consenting to future travel. We think
21 that travel to Europe is actually a fairly extraordinary
22 condition to seek, that given with what technology is
23 certainly business can be conducted by phone. It can even be
24 conducted by Skype if face to face is necessary.

25 There's no question that him being under indictment

1 for fraud, a fraud that is significantly tied to his business
2 as the indictment makes clear, that -- that his business
3 practices are -- could well be curtailed. I think in light of
4 the fact that the Government is consenting to release that
5 we're not requiring that it be secured it is not an onerous
6 condition to say that to the extent he wants to continue with
7 his business he can -- he's going to have to make
8 accommodations.

9 If there were a particularly significant trip, if he
10 had built up a track record with Pretrial, if our
11 investigation as it continues doesn't turn up anything that
12 leads us to further concern perhaps we would consent. I just
13 don't want to represent that the --

14 THE COURT: Well, I guess what I'm struggling with a
15 little bit, Counsel, is why does this issue need to be
16 definitively adjudicated tonight?

17 MR. EGAN: I one hundred percent agree with the Court
18 that if they want to make an application to Judge Wood and say
19 we would like to be heard on an exception, one time to allow
20 him to travel to this I think that's absolutely fine. I just
21 want -- I don't --

22 THE COURT: You don't want a blanket approval of it.

23 MR. EGAN: I want it to be clear that the Government
24 in agreeing to the condition that they are allowed to ask for
25 that that the Government is not agreeing that it will consent

1 to that.

2 THE COURT: But you're also -- are you saying that
3 you know you won't consent or are you saying you just standing
4 here tonight don't know what position you're going to take
5 because you need to let your investigation continue to unfold
6 and see what kind of a track record Mr. Brown has, et cetera,
7 et cetera?

8 MR. EGAN: What I am saying is if the application
9 were presented based on what I know now we would object. That
10 said, if as I said there's a track record built up -- I'm not
11 saying under no circumstances would we ever consent. It
12 depends on the circumstances or the --

13 THE COURT: I hear you. Mr. Mack, when is Mr.
14 Brown's next anticipated travel out of the country?

15 MR. MACK: I would like to be heard on this, Your
16 Honor. I am a semi expert on making requests for
17 extraordinary travel and --

18 THE COURT: You're a semi expert on it?

19 MR. MACK: A semi expert on --

20 THE COURT: Tell me what that means. Mack on travel
21 abroad?

22 MR. MACK: Enough times that when I hear what the
23 Government just said that it's not an easy process and
24 frequently it could take a week or more to perhaps resolve it
25 and even then even when there are cases -- there was an

1 Assistant here five seconds ago who permits the Pretrial
2 Services officer simply to approve it and it's very fast. If
3 I have to go to Judge Wood each time it's going to be an
4 onerous process and I'm subject to the Government's view.

5 This essentially is -- and I realize he just plead
6 not guilty. It's a business dispute. We know that he - the
7 defendant has no criminal record. He's employed. He has
8 family. He has roots. And he just -- he is very active in
9 the film business. He just wrote me that he is doing a film
10 show currently in Las Vegas. In other words, Nevada would be
11 a district that he would like to --

12 THE COURT: Well, I thought we were just talking
13 about the Southern and Eastern Districts and the Central
14 District of California. So now you're expanding them to the
15 District of Nevada?

16 MR. MACK: Nevada and Louisiana and Illinois. His
17 brother lives in Illinois. His business -- he travels in and
18 out of the country on a frequent basis and Europe he makes
19 films in Europe.

20 THE COURT: Well, so what is your proposal as far as
21 where your client should be able to travel leaving Europe
22 aside?

23 MR. MACK: That he be permitted to travel Southern
24 and Eastern Districts of New York, Central District of
25 California, District of Louisiana. I think it's a district.

1 I'm not sure. I'd have to take a look whether it's --

2 THE COURT: I think it's not just a district
3 actually. There are multiple districts in Louisiana.

4 MR. MACK: And I think Nevada is a single district
5 but I'm not sure. I haven't --

6 THE COURT: Nevada I believe is a single district.
7 Louisiana I believe is not a single district if memory serves.

8 MR. MACK: So I can do that with Google in a short
9 few moments. But the European -- I think his next trip to
10 Europe is a wedding on July 15.

11 THE COURT: It's a wedding that he is attending or a
12 wedding that he is filming?

13 THE DEFENDANT: May I answer it?

14 MR. MACK: Absolutely.

15 THE COURT: Sure.

16 THE DEFENDANT: Thank you, sir. It's a wedding that
17 I'm simply attending and then I have a christening at a church
18 in September.

19 THE COURT: Well, let's take it one at a time.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: The wedding in July is located where?

22 THE DEFENDANT: It's in France. So I would be in
23 France around July 15th.

24 THE COURT: How many days is the trip planned to be,
25 like a week?

1 THE DEFENDANT: Less than a week. Six days.

2 MR. MACK: His wife is a French citizen as well as
3 being [inaudible].

4 THE COURT: Okay.

5 THE DEFENDANT: Born in Europe.

6 THE COURT: So that's the July trip. And then what
7 else did you say, a christening in September?

8 THE DEFENDANT: Yes.

9 THE COURT: Where is that trip?

10 THE DEFENDANT: It's a christening for my wife's
11 goddaughter in France also at a Catholic church.

12 THE COURT: That's in September. This has nothing to
13 do with work then, Mr. Mack.

14 MR. MACK: No, it doesn't, Your Honor. I am -- there
15 is also as he said a work trip approximately once a month. He
16 cannot do it by telephone. It would have been on the ground
17 making films, overseeing them that they are consistent with
18 the producer's and director's obligations. Am I correct in
19 stating it that way?

20 THE COURT: Hold on a minute. So his film work
21 requires him to be abroad; is that what you're saying?

22 MR. MACK: Yes, I am.

23 THE DEFENDANT: May I respond, sir?

24 THE COURT: Yes.

25 THE DEFENDANT: I'm making a movie, two movies in

1 America right now. Okay. I prefer America. It's easy. I
2 however do make movies in Europe because of the currency and
3 you get subsidies in Europe. So I do make movies in
4 [inaudible] part of the European Union and I hope to continue
5 making movies there. It's an essential part of my film
6 business.

7 In addition, most of the movie sales that go on in
8 my livelihood happen in France, [inaudible] France and they
9 also happen at the Berlin Film Festival. So all the sales
10 that [inaudible] movies happen there and I can give dates and
11 all in advance.

12 THE COURT: Well, I think, Counsel, the way I want to
13 resolve this today obviously this is a very undeveloped record
14 on the subject before the Court. I'm not prepared to opine
15 definitively on it especially in an indicted case before a
16 district judge who will have multiple proceedings in this case
17 going forward including I assume some initial scheduled
18 conference sometime in the near future. Has she scheduled a
19 conference yet?

20 MR. EGAN: It's July 21st at one p.m.

21 MR. MACK: Your Honor --

22 THE COURT: So that really only requires that this
23 issue of whether he can attend the July 15th wedding be
24 addressed in advance of the conference you have with Judge
25 Wood, and I would suggest that as to all these other issues

1 you raise them with her in the first instance to see how she
2 would like you to handle them going forward.

3 My proposal would be that they be addressed in a
4 piecemeal fashion rather than there being some blanket rule
5 here because if there's a blanket rule I think the Government
6 is more likely to interpose objections. I think if, Mr. Mack,
7 you can identify seriatim what the particular needs of your
8 client are and he develops a satisfactory track record as far
9 as the Government's concern then it won't be as burdensome as
10 perhaps would be the first time or two you make the
11 application.

12 Why don't we just today deal with -- so I can try
13 and head off at the path the July 15th wedding. Is the
14 Government going to be opposed to that? Is there some
15 condition that would be acceptable to you in terms of
16 reporting to Pretrial at the time of departure and at the time
17 of arrival and at the time of leaving and we require all of
18 that to take place or something along those lines?

19 MR. EGAN: The Government would oppose that in
20 particularly in light of --

21 THE COURT: Especially because Mr. Brown I gather is
22 married to someone who has dual citizenship including France
23 so that there are family members related to his spouse who are
24 there?

25 MR. EGAN: Yes. I mean the fact that his spouse is a

1 French citizen makes in the Government's view travel to France
2 more troublesome.

3 THE COURT: Why do you anticipate that there is some
4 flight issue here? If you were so concerned about it then I
5 don't understand why you're agreeing to the rest of this
6 package.

7 MR. MACK: And also is there going to be -- as I
8 understood it, unless I missed it, there are going to be two
9 co-signers or people who will be here who on a \$200,000
10 personal recognizance bond their lives will be done and over.
11 This is not an individual who would basically going to depart,
12 jump bail, expose himself to much more culpable behavior and
13 leave two people in the states who are going to be here --

14 THE COURT: I mean the hour is late, gentlemen, but
15 if we're really going to do this then, Mr. Egan, you need to
16 make a proffer to me rather than just expressing generic
17 concern. All you've done so far is expressed generic concern
18 to me. So do you want to make a proffer to me why you think I
19 as a magistrate judge in an indicted case at a quarter of
20 seven in courtroom 5A should make some definitive ruling on
21 this subject, go right ahead. I just don't know why you think
22 that's appropriate in these circumstances. What do I know
23 other than what you've told me here and of course the
24 multitude of time I've been given to review a 40 page
25 indictment given as you well know that I've been sitting on

1 the bench here for the last four hours un -- without a break.
2 So I mean tell me what you want me to do here. How do you
3 want me to proceed?

4 MR. EGAN: I've expressed the Government's objection
5 I think. There is strong evidence against this defendant that
6 he has committed fraud. A grand jury has returned an
7 indictment. The fraud is a multi million dollar fraud. It is
8 a fraud that involves moving money as the indictment makes
9 clear around to different accounts. We've identified some of
10 that money though it would be --

11 THE COURT: Why aren't you seeking detention then? I
12 mean that's an argument for detention.

13 MR. EGAN: Because I think there are ways to mitigate
14 that. There are ways to mitigate that risk and as the statute
15 as Your Honor pointed out the last one, the statute requires
16 that if there are conditions that can mitigate those dangers
17 then we are required to find them. We have tried to do that.
18 We found \$200,000 bond co-signed by two parties. I simply do
19 not think that it is -- and another way to mitigate that risk
20 is to not allow him to travel to a country where his wife is a
21 dual citizen there and -- from which extradition is not easy
22 particularly if his wife is a citizen there. So it is about
23 risk mitigation. Do we think -- if we thought it was an
24 absolute certainly that he would flee of course we would seek
25 detention.

1 We don't think that there is a non zero risk of
2 flight here. He has access to capital. He has access to
3 family members. He has family members abroad. So we are
4 simply trying to find a package that both allows him to be
5 released as the statute requires us to do but to mitigate the
6 risk that he will flee. And I don't --

7 THE COURT: Do you know statistically how many people
8 percentage-wise flee each year in this jurisdiction, Mr. Egan?

9 MR. EGAN: I understand it is a very low percentage.

10 THE COURT: Do you know how low?

11 MR. EGAN: Extremely low, Your Honor.

12 THE COURT: It's under two percent. I understand
13 it's 1.4 percent as of 2015.

14 MR. EGAN: And that may be because nobody flees. It
15 may be because the Court is very good at fashioning bail
16 packages that prevents them from doing that but either way the
17 fact of the matter is is that this is -- the reason we're not
18 seeking detention is because we are trying to do what the
19 statute requires which --

20 THE COURT: So let's play this out. Let's say we
21 hadn't raised this tonight, okay, let's say on January -- on
22 July 8th Mr. Mack wrote a letter to Judge Wood saying my
23 client wants to go to a wedding in France with his wife who
24 has dual citizenship and he would I assume articulate the fact
25 that all these conditions were in place, et cetera, et cetera.

1 You would then write a letter to Judge Wood opposing that
2 application and you would say in that letter what exactly?

3 MR. EGAN: What I just said to the Court.

4 THE COURT: That he's charged with a multi million
5 dollar fraud so he doesn't get to fly to Europe whenever he
6 wants to.

7 MR. EGAN: And that he has access to means. He's got
8 family members abroad, that he has a support system abroad if
9 he decided to stay abroad and that he may well have -- and he
10 is obviously making a good living doing this and then there is
11 the potential, a potential that becomes --

12 THE COURT: Although to be clear the July travel is
13 not work related.

14 MR. EGAN: Correct.

15 THE COURT: Does that matter?

16 MR. EGAN: No.

17 THE COURT: It doesn't matter from your perspective.

18 MR. EGAN: No. I don't know that the purpose of the
19 travel would matter. It is simply that it is travel abroad.

20 THE COURT: Well, I mean he's charged with a fraud in
21 the industry he works in. So if he is involved in fraudulent
22 activity as you -- if you've alleged that then it seems to me
23 you might have a different view about that conduct perpetrated
24 wherever it may be perpetrated, not just attending some social
25 event. That might be something different.

1 MR. EGAN: But not necessarily as it goes to his risk
2 of flight.

3 MR. MACK: Your Honor, rather than keep the Court
4 here even later, I'm --

5 THE COURT: You can keep me here as late as you want.
6 Believe me when I'm done here of course I have multiple
7 applications from other Assistants who are waiting for me to
8 review those and then of course I do have a civil docket of
9 150 cases. So I'm going to be here for several hours after we
10 adjourn. So --

11 MR. MACK: I'm sorry, Your Honor. I mean I'm -- I
12 will go to Judge Wood if that's what's necessary.

13 THE COURT: I'm not trying to shirk. I'm trying to
14 figure out what the right result is here today. I don't want
15 to --

16 MR. MACK: I think the right result is he's going to
17 have to [inaudible] on a bond of \$200,000 PRB and this is a
18 gentleman who has never committed a crime, never arrested
19 before, has legitimate reasons to go, has frequently returned
20 from Europe and has been [inaudible].

21 THE COURT: Well, he's returned from Europe before
22 he's been under an indictment. So the circumstances are a
23 little different now.

24 MR. MACK: He knew he was under investigation, Your
25 Honor. I would say that. And he surrendered today. I can go

1 through the full list of all employment, family ties, life of
2 residence, all of the factors that are as I say are in his
3 favor.

4 THE COURT: So what precisely is your application?

5 MR. MACK: My application is that the bail conditions
6 through July -- July be -- permit him to be able to go to
7 France on July 15th in addition to the one [inaudible] that he
8 be permitted to go and come back. He'll report every single
9 aspect necessary to Pretrial Services without any question.

10 That's my application to deal with that one today
11 because of the shortness of time and the fact that I have two
12 hearings coming up where I'll be heavily engaged but whatever
13 it is. I'm fighting for his right to do so. I think he's an
14 outstanding individual without risk and he'll take whatever
15 precautions Pretrial wants of him to provide some type of --
16 whatever security they want. Where he will be, travel plans,
17 notice, all of that, and there will be two co-signatures here
18 that he will have a personal relationship with and he's not
19 going to leave exposed to \$200,000 in money being taken from
20 them by the Government.

21 THE COURT: Before we decide this France trip let's
22 just be precise about the travel restrictions within the
23 United States because I'm not sure there's agreement about
24 that either.

25 I had understood originally that it was the Southern

1 and Eastern Districts of New York and the Central District of
2 California. That's what Mr. Egan said. Then you raised the
3 District of Nevada and one of the districts in Louisiana. Are
4 there -- before we deal with that, are there other -- what
5 about the Northern District of Illinois?

6 MR. MACK: [Inaudible] where his brother and his --

7 THE COURT: That's -- I thin I saw that's Deerfield;
8 right?

9 MR. MACK: Yes.

10 THE COURT: I believe is the Northern District of
11 Illinois. So where else? Is that it as far as the United
12 States is concerned?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: So you're seeking, Mr. Mack, with respect
15 to travel in the United States that it be restricted to the
16 Southern and Eastern Districts of New York, the Central
17 District of California, the Northern District of Illinois, the
18 District of Nevada and a district in Louisiana and points in
19 between for purposes of --

20 MR. MACK: Flight and travel.

21 THE COURT: -- flight and the like. Leaving Europe
22 aside, do you oppose that, Mr. Egan?

23 MR. EGAN: We stand by our proposed package that it
24 should be the Southern and Eastern and that it should be dealt
25 with in the same way that the Court was suggesting that we

1 deal with the international travel. If there's business
2 travel that requires him to be in Louisiana he should make
3 that application to the Court.

4 THE COURT: Well, just be precise here, the defendant
5 is going to be residing in the Central District of California.
6 Is that correct? He's not residing in the Northern District
7 of Illinois.

8 MR. MACK: That is correct.

9 THE COURT: All right. It seems to me in these
10 circumstances without in any way trying to shirk my
11 responsibility it seems to me the clearest condition in this
12 regard is to restrict his travel to the Southern and Eastern
13 Districts of New York and the Central District of California
14 without prejudice to his making an application to travel not
15 just to the District of Nevada, Louisiana and Illinois but
16 anywhere else he may want to travel also but that he will need
17 to make applications for that travel because he is going to be
18 under Pretrial supervision and the Pretrial Services officer
19 in the first instance would be in a position to determine if
20 that travel is approved and if so under what conditions so
21 that there would be reporting and the like so that there is no
22 concern about that.

23 So it seems to me that's how we should handle that.
24 I'm frankly as I said 20 minutes ago inclined to resolve all
25 of the Europe travel that way as well so that it is dealt with

1 in an individual one at a time kind of basis.

2 MR. MACK: So I start with the Pretrial Services
3 office and go from there in any instance other than the three
4 districts.

5 THE COURT: I think that is the best way to leave
6 that issue and that that should also include any Europe
7 travel. I think everything should be handled that way. And
8 then it will play out as either Judge Wood, the Pretrial
9 Services Office or Judge Wood may refer this sort of
10 application to magistrate's court in which case I or one of my
11 colleagues sitting here will have to deal with it although
12 frankly if I had an application like this and I got the
13 letters that both of you have described I would think I would
14 have to have a hearing of some kind. I don't think I could
15 just decide it on the papers as I do 99 out of a 100 times in
16 that kind of an application because it sounds like it might be
17 hotly contested.

18 So do you want to be heard?

19 FEMALE VOICE: Yes, just for clarification. As far
20 as the travel restriction outside of what we've mentioned, is
21 that at the discretion of Pretrial including travel to Europe
22 or is that to be submitted through application to the Court?

23 THE COURT: I think it should be -- I guess my --
24 you're making a distinction between Pretrial Services having
25 discretion to approve it as opposed to the Court having --

1 FEMALE VOICE: Correct.

2 THE COURT: -- the authority to approve it?

3 FEMALE VOICE: Correct.

4 THE COURT: So, Mr. Egan, you want the Court to
5 approve it I assume.

6 MR. EGAN: That's correct, Your Honor.

7 THE COURT: And you would prefer Pretrial to approve
8 it.

9 MR. MACK: The shortest and easiest way, Your Honor,
10 of course. We're going to start tomorrow because he is
11 planning to be --

12 THE COURT: Well, if it were me and I'm sure Judge
13 Wood would want the input of Pretrial irrespective of whether
14 the Court is ultimately approving it or not.

15 Let's do this. My problem is, gentlemen, I know very
16 little about this case. So it's very hard for me to make an
17 informed judgment here. With that said, I am limiting travel
18 to the Southern and Eastern Districts of New York and the
19 Central District of California and points in between for
20 purposes of travel.

21 Any application that Mr. Brown is going to make to
22 travel elsewhere in the United States or outside the United
23 States should be made to the Court in the first instance and
24 if Judge Wood wants to modify that so that at a certain point
25 either the first time or the fifth time that that

1 discretionary decision can reside with Pretrial then she can
2 make that judgment at that time because she'll ultimately be
3 in a better position than I am tonight to make that decision.
4 So it will not be in the discretion of Pretrial. It will be
5 up to the Court.

6 MR. MACK: And I --

7 THE COURT: And with respect to the travel July 15th
8 in France, I think you should write a letter to Judge Wood
9 tomorrow.

10 MR. MACK: I will do that.

11 THE COURT: And take that up with her in the first
12 instance and then she'll handle it however she thinks is
13 appropriate.

14 MR. MACK: I wasn't -- as I say, I wasn't -- I don't
15 know that much about the case as well. That's why I'm wearing
16 a pink shirt and I was not expecting to be before Your Honor
17 today. So I --

18 THE COURT: Pink shirts are acceptable in my court,
19 Mr. Mack.

20 MR. MACK: Thank you, Your Honor.

21 THE COURT: All right. So I think that's how we'll
22 leave that issue.

23 What else do we need to do tonight, Mr. Egan?

24 MR. EGAN: Your Honor, the Government would just ask
25 to exclude time between now and July 21st so that the

1 Government can begin the assembling and production of
2 discovery and have any initial discussions.

3 THE COURT: Are you going to produce any discovery
4 between now and July 21st or are you just going to assemble?

5 MR. EGAN: Well, it's about --

6 THE COURT: Because if you're just going to assemble
7 I'm not going to exclude because I don't see in the Speedy
8 Trial Act the word assemble.

9 MR. EGAN: We can produce initial -- it depends
10 whether they want it all at once. There are about a quarter
11 million pages worth of --

12 THE COURT: How about rolling production?

13 MR. EGAN: Correct, Your Honor.

14 THE COURT: No. Well, I'm saying I'm willing to
15 exclude if the Government is actually going to produce, not
16 that you're going to direct some paralegal to start getting
17 piles of documents that you're going to give Mr. Mack in
18 October.

19 MR. EGAN: We will have an actual production prior to
20 that date, Your Honor.

21 THE COURT: All right. With that representation from
22 an officer of the Court I will exclude time between now and
23 the 21st.

24 MR. EGAN: Thank you, Your Honor. Nothing further
25 from the Government.

1 THE COURT: Anything else, Mr. Mack?

2 MR. MACK: No, sir.

3 THE COURT: Have a good evening.

4 MR. EGAN: Two weeks from today.

5 THE COURT: I'm sorry, I should have gotten to you
6 on that before we adjourned.

7 MR. MACK: Thank you, Your Honor.

8 THE COURT: Thank you, Mr. Mack.

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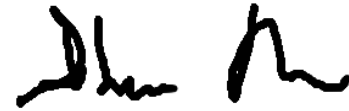
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1 I certify that the foregoing is a court transcript from
2 an electronic sound recording of the proceedings in the above-
3 entitled matter.

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6 Shari Riemer, CET-805

7 Dated: July 6, 2016
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